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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,312	10/10/2003	Donna Gail Schneider	DGS001	3321

7590 02/15/2008
DONNA G SCHNEIDER
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EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT	PAPER NUMBER
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3749

MAIL DATE	DELIVERY MODE
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02/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/684,312

Applicant(s)

SCHNEIDER, DONNA GAIL

Examiner

Stephen Gravini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Deichler, Jr. (US 6,708,604). Deichler discloses the invention comprising:

a collapsible frame **10** for suspending an item above a heat source, the frame comprising:

a plurality of panels **14, 16, 18** forming sides of the frame when the frame is erected, wherein a side of the frame comprises a variable configuration of panels **34, 36** the configuration being selected by a user of the device to adjust an attribute of the enclosure when the device is in use for heating, the attribute including at least one of: how much of the side is enclosed, which portion of the side is enclosed, a volume substantially enclosed by the frame and an overall shape of the frame as shown in figure 1. Deichler also discloses the claimed first panel being detachably coupled to a second panel and wherein the first and second panels are coupled to one another to erect the frame and detached from one another to collapse the frame also shown in figure 1, wherein the first and second panels are detachably coupled substantially along their adjacent edges as shown in figures 3 and 4, wherein the side of the frame is selectively configured by selectively employing a panel having particular physical dimension that affects the attribute of the enclosure at column 5 lines 11-39, wherein

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the side of the frame is selectively configured by selectively positioning a panel in a position relative to the remainder of the frame, the position affecting the attribute of the enclosure at column 5 lines 40-52, wherein the side of the frame is selectively configured by selectively choosing among, in constructing the side, a first panel having a first measurement in a given dimension and a second panel having a second measurement in the dimension, the second measurement being different than the first at column 4 lines 1-20 wherein the dimension is measured in a substantially vertical direction relative to the vertical direction of the erected frame while in use as shown in figure 1 and disclosed in the summary of the invention, wherein the side of the frame is selectively configured by employing a selectable quantity of panels, wherein the attribute is affected by the quantity of panels employed in forming the side as shown in figures 2 & 3, wherein the side of the frame is selectively configured by selectively employing a combination of panels to form the side and selectively positioning the panels to affect both position and coverage how much of the side is enclosed and which portion of the side is enclosed as shown in figure 1, wherein the side of the frame is selectively configured by selectively employing a combination of panels to form the side and selectively positioning the panels to affect both how much of the side is enclosed and at what position the transverse member is supported by the frame also shown in figure 1, wherein the side of the frame is selectively configured by selectively employing a combination of panels to form the side and selectively positioning the panels to affect both which portion of the side is enclosed and at what position the transverse member is supported by the frame at column 4 line 63 through column 5 line 10, wherein the

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side of the frame that is selectively configurable comprises panels that support the transverse member as shown in figure 1, wherein a panel comprises a first feature that engages with a mating second feature of the transverse member as shown in figures 2 & 3, a transverse member for supporting the item to be heated, the transverse member being coupled to the frame as shown in figure 1, wherein the transverse member is removably coupled to the frame and is removed from the frame when the frame is collapsed also shown in figure 1, and wherein the transverse member, when coupled to the frame, performs at least one of: maintaining shape of the frame, improving rigidity of the frame and holding in place the panels that form the frame at column 6 lines 5-50.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven B. McAllister can be reached on 571 272 6785. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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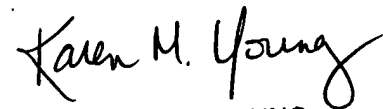
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMG

December 12, 2007

/Stephen Gravini/

TC Director approval: Karen Young TC 3700


KAREN M. YOUNG
DIRECTOR
TECHNOLOGY CENTER 3700